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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,837	08/31/2001	Semir S. Haddad	01-S-016 (STMI01-00021)	2810
30425 7590 01/02/2008 STMICROELECTRONICS, INC. MAIL STATION 2346 1310 ELECTRONICS DRIVE CARROLLTON, TX 75006			EXAMINER DUNN, MISHAWN N	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/943,837

Applicant(s)

HADDAD, SEMIR S.

Examiner

Mishawn N. Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3, 7, and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 9/24/2007 have been fully considered but they are not persuasive.
2. Applicant argues that there is no motivation to combine Citta et al. and Zdepski. In response the Examiner respectfully disagrees. Citta et al. teaches fixed length data packets having both a header and a payload (col. 2, lines 59-62; col. 3, lines 19-29; figs. 3A, 3B). Citta et al. does not specifically disclose the header defining the payload, but not only would one with ordinary skill in the art would readily recognize that the purpose of a header is to define and handle the payload, Zdepski discloses that the header defines the payload (col. 5, lines 45-51). The examiner is not suggesting that an additional field is added to Citta et al.'s fixed packet, but that it known that a header can define the payload. Therefore, the examiner's motivation that data can be transmitted more efficiently due to the header defining the payload is reasonable and correct.

Applicant also argues that Applicant's admitted prior art, Citta et al., or Zdepski teaches or suggests that the header of each fixed-size packet defines at least one of stream type, timing information, and picture information. The examiner respectfully disagrees. Applicant's admitted prior art in the specification (pgs. 7-8) discloses that the "header 410 includes presentation time stamp (PTS) field, a decoding time stamp (DTS) field, an elementary stream clock reference (ESCR) field, a elementary stream (ES) rate field, a DSM trick mode field, a copy information field, a prior PES clock recovery field,

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an extension field, and stuffing bytes." Therefore, the Applicant's admitted prior art teaches that the header of each fixed-size packet defines timing and picture information.

Applicant argues that neither Applicant's admitted prior art, nor Citta et al., teach or suggest a digital video recorder, a storage disk and storing a fixed-size program packet in a multiplexed program stream in the storage disk as required by claims 6, 11, and 18. Applicant's admitted prior art discloses a digital video recorder with a storage disk (pg. 2) and packet multiplexing (pg. 4) with fixed-size packets (pg. 9). It would have been obvious one of ordinary skill in the art to store the fixed-size program packet in a multiplexed program stream in the storage disk, in order to efficiently compress and transmit the audio/video data.

Applicant argues that the examiner's general statement of motivation for combining applicant's admitted prior art and Citta et al. is unsupported in the art. It is well known that fixed length packets tend to be less complex and tends to use a common channel bandwidth more efficiently than a protocol that permits variable-Also, efficient packet transmission can be achieved by determining the packet spacing according to the packet length and line speed, because the transmission speed can be maintained constantly when having fixed length packets.

3. Applicant's arguments, see pages 11-12, filed 9/24/2007, with respect to claim 3 have been fully considered and are persuasive. The rejection of claims 3, 7, and 14 has been withdrawn.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4-6, 8-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Citta et al. (US Pat. No. 5,602,595) in further view of Zdepski (US Pat. No. 5,565,923).
3. Applicant's admitted prior art on pages 2-14 of the Specification, discloses the same digital video recorder capable of playing back a recorded program stream as specified in claims 1, 2, 4-6, 8-13, and 15-20 of the present invention, the digital video recorder comprising a video processor capable of receiving an incoming program stream and converting said incoming program stream to a baseband signal capable of being displayed on a television associated with the digital video recorder; a storage disk; and a controller that multiplexes packetized elementary streams into a multiplexed program stream, the packetized elementary streams comprising PES packets of disparate size, the controller operable to receive the PES packets into a memory buffer, having a header and a payload, each header defines at least one of stream type, timing information and picture information, and associate and store ones of the at least one fixed-size program packets into the multiplexed program stream in the storage disk; and

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the fixed size of at least one fixed-size program packets is a multiple of a sector size of the storage disk.

The admitted prior art does not describe reformatting PES packets of disparate size into fixed-size program packets. However, Citta et al. discloses reformatting each of the received PES packets into at least one fixed-size program packet having a header and a payload (col. 1, lines 18-22; col. 2, lines 50-52).

Neither the admitted prior art, nor Citta et al. teach the header defining a payload content. However, Zdepski discloses teach the header defining a payload content (col. 5, lines 45-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to reformat the PES packets into fixed length packets having a having a header and a payload, said header defining a payload, in order to transmit the data more efficiently.

#### ***Allowable Subject Matter***

4. Claims 3, 7, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

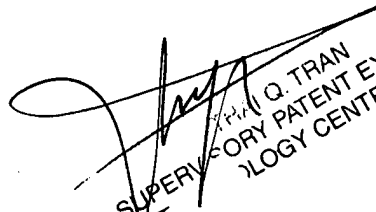
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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